

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

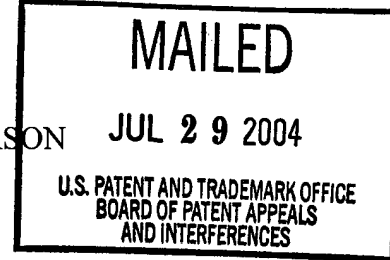
Paper No. 11

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SAMUEL LOUIS ISERSON

Application No. 09/580,126



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 17, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

On September 10, 2003, an Examiner's Answer was mailed (Paper No. 10). A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003).

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According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the type or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not initialed or signed by the conferee's as required under MPEP § 1208. The Examiner's Answer needs to be remailed, clearly identifying the names and initials and/or signatures of all three of the conferee's.

Accordingly, it is

ORDERED that the application is returned to the examiner for remailing of the Examiner's Answer to include initials or signatures of all conferee's and for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read "Dale M. Shaw", is written over a horizontal line.

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Application No. 09/580,126

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